

Deficiency Progress Report – Update 1

Report Submitted: May 5, 2009

CUPA: Tuolumne County Environmental Health

Evaluation Date: February 4, 2009

Evaluation Team:

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Corrected Deficiencies: 1, 2, 5

Next Progress Report (Update 2) Due: August 3, 2009

Please update the deficiencies below that remain outstanding.

1. **Deficiency:** The CUPA is not billing its CalARP facilities the CUPA Oversight surcharge of \$24. The CalARP surcharge is billed and collected regularly.

Preliminary Corrective Actions: By May 4, 2009, the CUPA will modify its billing system to include the CUPA oversight surcharge along with the Cal ARP surcharge.

CUPA's 1st Update (5-5-09): On March 4, 2009 a memo was drafted by this Division to the two regulated CalARP facilities in Tuolumne County (see attached). The memo notified the facilities that this Division had not previously billed them for the CUPA Oversight surcharge of \$24 in addition to the CalARP surcharge. Both CalARP facilities regulated in Tuolumne County subsequently had the CUPA Oversight surcharge added to their annual billing (see attached invoices).

Cal/EPA's 1st Response: Cal/EPA considers this deficiency corrected.

2. **Deficiency:** The CUPA did not complete its fiscal year (FY) 2006/2007 self audit. The FY 2007/2008 self audit was completed and included all of the required elements.

Preliminary Corrective Actions: In subsequent FYs, the CUPA will complete a self audit of its program by September 30 of each year.

No further action is required to correct this deficiency.

3. **Deficiency:** The CUPA is not conducting Hazardous Waste Generator (HWG) inspections with a frequency that is consistent with its Inspection and

Enforcement Plan. Specifically, the CUPA did not meet its scheduled HWG inspection frequency of one inspection every three years.

Preliminary Corrective Actions: By February 10, 2010 the CUPA will inspect at least one third of its HWG facilities.

On the CUPA's first progress report, develop an action plan that details how the CUPA plans to inspect all HWG facilities once every three years.

CUPA's 1st Update (5-5-09): Tuolumne County CUPA currently regulates 149 hazardous waste generators. To meet the minimum inspection frequency of once every three years the CUPA needs to conduct a minimum of 50 inspections every year and 4-5 inspections every month. With two inspectors in the CUPA program each inspector needs to complete a minimum of 2-3 inspections a month. The Division Director will review service summary reports monthly to ensure each inspector is meeting the necessary quota. If it is found that the quota is not being met by one or both inspectors an evaluation shall be completed to determine why the quota has not been met that month and how the difference can be accounted for in the following month. To date, following the CUPA's evaluation on February 4, 2009, a total of 16 hazardous waste inspections have been completed.

Cal/EPA's 1st Response: The CUPA plans to inspect 50 HWG facilities by February 2010. The CUPA has demonstrated progress towards correcting this deficiency by inspecting 16 HWG facilities since the 2009 evaluation.

On the next progress report, please report the total number of HWG inspections performed since the February 2009 evaluation.

CUPA's 2nd Update: Enter Update Here

4. **Deficiency:** The CUPA is not meeting the mandated inspection frequency for the business plan (BP) program of one inspection every three years.

Preliminary Corrective Actions: By February 10, 2010 the CUPA will inspect at least one third of its BP facilities.

On the CUPA's first progress report, develop an action plan that details how the CUPA plans to inspect all BP facilities once every three years.

CUPA's 1st Update (5-5-09): Tuolumne County CUPA currently regulates 255 facilities with hazardous materials business plans. To meet the minimum inspection frequency of once every three years the CUPA needs to conduct a minimum of 85 inspections every year and 7-8 inspections every month. With two inspectors in the CUPA program each inspector needs to complete a minimum of

4 inspections a month. The Division Director will review service summary reports monthly to ensure each inspector is meeting the necessary quota. If it is found that the quota is not being met by one or both inspectors an evaluation shall be completed to determine why the quota has not been met that month and how the difference can be accounted for in the following month. To date, following the CUPA's evaluation on February 4, 2009, a total of 22 hazardous material business plan inspections have been completed.

Cal/EPA's 1st Response: The CUPA plans to inspect 85 BP facilities by February 2010. The CUPA has demonstrated progress towards correcting this deficiency by inspecting 22 BP facilities since the 2009 evaluation.

On the next progress report, please report the total number of BP inspections performed since the February 2009 evaluation. Please refer to CalEMA's response.

- **CalEMA's Response:** The CUPA has made a good start towards meeting the 3-year inspection goal. Please update your progress with the next quarterly report.

CUPA's 2nd Update: Enter Update Here

5. **Deficiency:** The CUPA is not meeting the mandated inspection frequency for the Tiered Permitting (TP) program of one inspection every three years. The Annual Inspection Summary Reports show that no inspections were performed for the TP program.

Preliminary Corrective Actions: By February 10, 2010 the CUPA will inspect all of its TP facilities.

On the CUPA's first progress report, develop an action plan that details how the CUPA plans to inspect all TP facilities once every three years.

CUPA's 1st Update (5-5-09): The CUPA is unclear as to which facilities Cal/EPA considers to be in the Tiered Permitting Program. The CUPA requests that Cal/EPA identifies those facilities that should be included in the Tiered Permitting program. Following clarification from Cal/EPA the CUPA shall address this Deficiency on the next update report.

Cal/EPA's 1st Response: Cal/EPA discussed with DTSC whether the CUPA's one temporary Household Hazardous Waste (HHW) facility falls under the Tiered Permitting program. It was determined that the facility is not considered a treatment facility under the Tiered Permitting program. The CUPA does not currently regulate any TP facilities; therefore, this deficiency is considered void. No further updates are required.

6. **Deficiency:** In some cases, the CUPA is not following-up and/or documenting return to compliance (RTC) for businesses cited for violations in their inspection reports and notices of violation. Out of 19 files reviewed by Cal/EPA, 5 files either did not contain documentation of RTC or CUPA follow-up documentation did not contain sufficient detail to determine if all cited violations have been corrected.

Preliminary Corrective Actions: By May 4, 2009, the CUPA will follow-up with businesses cited for violations and document RTC actions. In addition, the CUPA will include the disposition of all previously cited violations (corrected or not) in the reinspection reports.

On the CUPA's first progress report, the CUPA will submit to Cal/EPA an action plan as to how it will promote consistency in its follow-up actions.

CUPA's 1st Update (5-5-09): The following procedure will be used by CUPA program staff to ensure proper follow up activity and documentation is being completed for all facilities cited for violations at the time of inspection. Facilities cited for minor violations will be directed to submit a Certificate of Compliance (to be provided by this Division at the time of inspection) within 30 days of the inspection date. The Certificate of Compliance shall document the corrective action taken and the date on which it was completed. Upon receipt of the Certificate of Compliance CUPA staff will review the certificate for completeness and place the certificate in the facilities file. Facilities cited for Class I or Class II violations shall either be directed to submit a Certificate of Compliance, as described above, or will receive a reinspection by this Division within 30 days of the original inspection date. The action taken shall be determined by the nature of the violation. If a reinspection is conducted all violations cited on the previous inspection report shall be addressed as to whether the violation has been corrected or not. It shall be the responsibility of each inspector to track follow up procedures for the facilities they inspect.

Cal/EPA's 1st Response: This follow-up plan is acceptable. Along with the next progress report, please email or mail two recent examples of completed reinspection reports or Certificate of Compliances.

CUPA's 2nd Update: Enter Update Here

7. **Deficiency:** The CUPA is not collecting, retaining, and managing violation classification information in their SWEEPS database or in any hardcopy format. To complete the Annual Summary Reports, CUPA staff must search through each facility file by hand to determine violation classifications. The inspection reports do not contain violation classifications. The CUPA is currently transitioning their data management system from SWEEPS to Envision. The Envision application will collect violation information.

Preliminary Corrective Actions: The CUPA will collect violation information in the Envision database once it is operational. The CUPA expects to have Envision within a few months.

By May 4, 2009, the CUPA will collect, retain, and manage violation classification information.

On the CUPA's first progress report, the CUPA will submit to Cal/EPA an update on the database transition process.

CUPA's 1st Update (5-5-09): Tuolumne County CUPA expects to be transitioning into the Envision Data Management System on May 6, 2009. The transition will not be complete for several months however the CUPA has already began tracking violation information in the SWEEPS data management system and will continue to track violations in the Envision System. When CUPA staff enters inspection information into the data management system they will also make note of any violations that were cited at the time of inspection. The violation classification and a brief note on the nature of the violation shall be included.

Cal/EPA's 1st Response: The CUPA is making good progress toward correcting this deficiency. Please continue to update Cal/EPA on the progress. The CUPA may attach screen shots of the violation data along with the next progress report.

CUPA's 2nd Update: Enter Update Here

General CUPA Program Updates

The Tuolumne County CUPA currently has two inspectors working part time in the program. Both inspectors are Registered Environmental Health Specialists and in addition to their responsibilities in the CUPA program both inspectors are also responsible for implementing all Environmental Health Programs within their assigned geographic district. At this time both inspectors are working diligently to maintain inspection frequencies within the CUPA program as demonstrated in the updates for Deficiencies 3 and 4 above.

The CUPA is currently developing a training plan for staff members working in the program. A copy of the completed plan as well as copies of staff training records will be provided to Cal/EPA with the next deficiency report update.

Tuolumne County Environmental Health expects to transition to the Envision Data Management System by May 6, 2009. As the staff becomes comfortable working with the new data system the tracking of violations, follow up procedures and return to compliance documentation for the CUPA program is expected to become increasingly more efficient.